REVIEW

OF THE

NEAPOLITAN SULPHUR QUESTION.

BY

A BRITISH MERCHANT.

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REVIEW.

In many situations in Sicily, vast masses of native sulphur are found embedded in the secondary geological strata, with which the island abounds, and chiefly in the gypseous deposits, where the mining and extracting of the article is attended with but little difficulty. None of the mines of Sicily having been wrought since the island was a possession of the Roman empire; till within the last fifty years, the sulphur was claimed by the landowners on whose estates it was found; and up to the present time the government of the country has not shown any disposition to disturb such an appropriation of this article on the part of the owners of the soil. Doubts, however, do exist, as to how far such claims on the part of the Sicilian landowners, admit of being sustained, were the crown of Naples to prefer a claim to the property of the Sicilian sulphur, which, together with all other mineral products, it has been alleged, are vested, by the constitution of the country, in the crown alone. In 1412, Martin of Aragon ascended the throne of Sicily, uniting in his person, the sovereignty of both Spain and Sicily, and, from this date, down to 1700, Spain, Sicily and Naples, continued integrally united under the same sovereigns. Previously to 1412, Spain and Sicily had, from 1282, been ruled by princes of the house of Aragon; but it was not till the accession of Martin, in 1412, that the countries were united. In 1232, Frederic of Aragon, who at that time filled the throne of Sicily, promulgated a code of laws, which modified the code of Roger the Norman, bearing date 1040; and which code of Frederick the 2d, has continued to prevail, with slight modifications, as the law of Sicily, down to the present day. The code of Frederic of Aragon in no respect differs from those of the other feudal states which supervened the overthrow of the western empire; and is founded upon the Roman and Lombard laws. According to Gamboa, the mines, and minerals of all states,

where such a system of laws prevailed, were vested in the crown, for the purpose, as narrated in the code, "of maintaining the king in honour, for defending his territories, for "supporting his wars against the enemies of the faith, and "relieving his people from taxes." It is also specially provided in the feudal codes of Spain, and similar states, that no king shall alienate, or dispose of mines, or mineral property, *for a period exceeding the term of his own reign;* nor is it known that any such special alienation, on the part of the crown, has ever taken place in Sicily, although Phillip the 2d, who was king of Sicily, as well as Spain, did alienate from the crown some mines in the Indies, but which settlement has always been disputed. In 1713, Sicily was ceded to Savoy, and, in 1720, to Austria, but was again restored by the latter power, to the Spanish family, in 1735, on condition that the same sovereign should not reign both in Sicily and Naples. In 1759, on Charles the 3d ascending the throne of Spain, his third son, Ferdinand the 4th, became King of Naples and Sicily; and this monarch was the grandfather of his present Majesty, Ferdinand the 5th, King of the Two Sicilies.* From this statement, the more particularly as it is specially declared by the Spanish law, that its application to mines, and mineral property, is equally applicable to all of the colonies and dependencies, as to the mother country (one of which dependencies Sicily has been shewn to be, from 1412, down to 1700), it would not be calculated to excite surprise, should the interests of his subjects appear to demand such a step, were the King of Naples to advance his claims to absolute property in the whole of the sulphur mines of Sicily.

Previous to the year 1830, the trade in Sicilian sulphur had attracted, comparatively, but very little observation; soon after which time, however, it received an impetus, from causes to which speedy allusion shall be made, which prevented its continuing longer to escape the notice of the Neapolitan government. The following tabular view of the Sicilian sulphur trade with Britain, will serve to illustrate the part of the subject to which allusion has just been made:—

* The present King of Naples reigns as Ferdinand the 2d (of the Bourbon dynasty). He was born 12th January, 1810. He married first Maria Christina Carolina Josepha of Sardinia, by whom he has issue a son, and secondly he espoused his cousin, the daughter of Archduke Charles of Austria. The King of Naples has shewn himself an advocate for every useful species of reform in his dominions, and is the only sovereign in Christendom who has effectually put down, by legal enactment in his states, the barbarous and unchristian practice of duelling.

SICILIAN SULPHUR TRADE WITH BRITAIN.

Years.	Imported. Tons.	Entered for Consumption. Tons.
1820	4650	5602
1821	5692	6231
1822	4956	7528
1823	8644	7692
1824	9056	8293
1825	10936	13421
1826	12599	11653
1827	10918	10373
1828	13993	14498
1829	15104	15709
1830	12136	13221
1831	14472	14804
1832	17077	16465
1833	20487	19082
1834	25390	22178
1835	30720	30838
1836	33358	25692
1837	40740	37486
1838	14653	33978

Nearly as much sulphur was, in the interval in question, exported from Sicily to France; and the annual export of sulphur from Sicily, at the period of 1838, may be computed at about 60,000 tons.

The cause of the sudden and extraordinary increase in the demand, for brimstone in Britain, naturally demands some explanation, and this we shall briefly endeavour to lay before the reader. Previous to 1825, the demand for brimstone had lain chiefly with the makers of gunpowder, the makers of chloride of lime, or bleaching salt, and with the persons engaged in some of the more minute processes of chemistry and metallurgy. In 1825, the import duty on sulphur, in Britain, was reduced from £15, per ton, to 10s. per ton; the duty on common salt, or muriate of soda, which was 15s. a bushel, having previously, in 1823, been entirely repealed. The annual produce of the salt tax, at this period, was not much under £2,000,000 sterling. These circumstances gave at once an immense impetus to the demand for sulphur, in branches of manufacture in which it had not previously been employed; chiefly, however, in the production of alkalies for the use of the soap and glass makers. Thus, in the case of soda, by the addition of sulphuric acid to common salt, a crystallizable sulphate of soda is produced, whilst

muriatic acid is evolved in gaseous fumes. By combustion, with saw dust and lime, part of the sulphur of the sulphate of soda is again driven off, and part is combined with the lime, whilst a soluble carbonate of soda is thus obtained, in which state it is available in the manufacture of soap and glass. At the large manufactories of these articles, at Glasgow, Newcastle, and Liverpool, the impetus given to the processes there carried on was very great; riches showered upon the proprietors, whilst, however, the lungs of the inhabitants, in the vicinity of the scene of these proceedings, bore ample testimony to the potency of the brimstone of Sicily, and the vegetation, if such it can be called, in the neighbourhood of the works, recalled to mind the description given by travellers, of that which now distinguishes the localities of "the cities of the plain." There seemed, however, no end to the favours which the soap and glass makers were destined to receive at the hands of the legislature, for the duty on glass was speedily reduced from £8, 6s. 8d. per cwt. to £4, 18s. In 1833, the duty on soap was reduced one half; the duty on tallow, an essential constituent of soap, was reduced, from £3, 2s. per cwt. to £1; that on olive oil, another constituent of soap, was reduced, from £18, 15s. 7d. to £8, 8s. per ton;* all tending to stimulate the demand for sulphur, and to pour wealth into the pockets of the fortunate dealers in that article, and those of the makers of alkali, soap and glass. If we had only to regard the results which have been described, as the working out of a system of liberal legislation, and the concomitant developement of national industry, and the advancement of chemical and scientific improvement in the arts, the picture presented to our view, by the departments alluded to, would be an agreeable one; but, alas, the picture has another side, to which it is now requisite to direct attention.

On the shores of the Highlands and islands of Scotland, and Ireland, a branch of manufacture had been prosecuted for centuries, which had afforded employment, and a reward for their industry, to thousands of British subjects. The manufacture alluded to, is that of kelp, an article which contains, in large proportions, soda and potash, requisite constituents in soap and glass making. Kelp is, itself, made by the incineration of the sea-weeds, known to botanists as the *fucus vesiculosus*, and the *fucus nudosus*, and one or two others

* Vessels the property of Sicilian subjects were liberally excluded from this indulgence, and olive oil, conveyed in them to Britain, was charged a duty of £10, 10s. per ton.

of the same vegetable classes; these are cut from the rocks on the shore, or gathered, upon the recession of the tides, by the peasantry of these remote districts; and as they were in the state of kelp in constant demand by the soap and glass makers, the persons engaged in the manufacture of this article (kelp) advanced rapidly in affluence and civilization; and were amongst the best customers of any of the inhabitants of the maritime, or rural districts, for the manufactures and colonial produce of Britain. The manufacture of kelp was also mainly instrumental in facilitating the agricultural improvements of the Scottish Highlands, by affording the means of removal, and of employment (at such seasons as the occupation of fishing was impracticable) to the small tenants, and cottars, whose continuance in their farms, or croftings, as they are termed, was incompatible with the introduction of sheep farming, and the improved system of agriculture. In the Hebrides, Orkneys, and other parts of Scotland, exclusive of Ireland, 25,000 tons of this article used to be manufactured annually, and the kelp shores of one island (that of North Uist) were let for £7000 per annum; since that time, the price of kelp has declined, from an average of £15 per ton, to £2, 10s. per ton, and the island of North Uist has been sold to pay the land-tax. The agriculture of the districts in question has been impeded, or rather arrested and it is only in the costly and melancholy resource of emigration, that the miserable and famished inhabitants of the kelp districts can look for a remedy from the wretchedness with which they are overwhelmed. Such a state of affairs may add to the wealth of those whose estates reap the benefit of the new system of agriculture, but, without the resource of kelp-making, many districts of Scotland are threatened with becoming comparatively uninhabited deserts.*

> "Ill fares the land, to hastening woes a prey,
> Where wealth accumulates, and men decay;
> Princes and lords may flourish, and may fade,
> A breath can make them as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied."

Already has Scotland reason to bewail the truths inculcated by the poet. It is found impossible to recruit the army in the Highland districts—the spirit of the natives has fled, and our national regiments are now composed of materials

* There are, however, yet another class of individuals who flourish in the ruin of the Highlands of Scotland, the importers of sulphur and the acid and alkali makers of Britain.

similar to those of General Evans's redoubtable Legion, namely, the scum and offscourings of the manufacturing towns. In the summer of 1838, a number of the inhabitants of Harris, expelled (necessarily) from their farms, on the introduction of the improved system, were furnished, by Government, with the means of emigration to the colonies, and vessels were sent for their conveyance to the place of their destination. These poor creatures obstinately refused, however, to embark; and it was only when driven on board by a detachment of the garrison of Glasgow, dispatched, per steamers, a distance of several hundred miles, for the purpose, that their expulsion from their fatherland was effected. Such have been the consequences of the manufacture of alkali from Sicilian sulphur. A shade in the price of the article, as afforded to the consumer, has heaped riches on the heads of the brimstone merchants, the soap-makers, and the glass-makers, but it has ruined the owners of kelp shores, and driven the poor Highlanders from their homes. But here we must not pause, but follow our exiles across the Atlantic, where, most strange to tell, we find the same evil influence prevailing. In clearing the forest lands of Canada, and Nova Scotia, the occupation of the preparation of potashes was that to which the emigrants were compelled to resort, as a resource, as essential to the introduction of agriculture into their new locations, as was kelp making, to the improved system of farming in their native country; but when alkali came to be obtained in Britain, through the intervention of Sicilian sulphur, the same fate awaited the fabrication of potashes, as had attended the manufacture of kelp.*

Our list of grievances is not, however, as yet completed.

In the reign of Elizabeth, the manufacture of alum was introduced into Britain, from Italy, under the especial auspices and protection of the government of the day; large capitals were invested in the manufacture of the article; mines were opened; extensive works erected; and a numerous population sprung up, dependent for existence on this branch of industry, which had been fostered by the legislature into a state of extent which it had acquired in no other country. A breath has, however, served to unmake it; and now, instead of alum, our calico-printers, dyers, &c. employ

* It seems somewhat singular that it has never been enquired in Parliament, how many petitions have been presented to government, from whence and by whom signed, against all farther attempts to coerce the King of Naples in respect to the sulphur question.

a spurious compound of sulphur and clay, whilst copperas, also a native manufacture, and of extensive use in dyeing and calico-printing, finds a substitute, in a concoction of sulphuric acid, and scraps of old iron. Need we wonder that our manufactured goods are nearly banished from the markets of the continent? Such was the operation, and its effects, of the alteration in the duties on the articles which have been mentioned, as regarded the demand for brimstone in Britain, between the years 1823 and 1837, but it was chiefly as it affected the Sicilian dominions, that the attention of the King of the Two Sicilies became directed to the subject.

The salubrity of the climate, the fertility of the soil, and the romantic beauty of the scenery of the island of Sicily, have afforded a theme on which the classical authors of antiquity, and the writers of modern times, have equally delighted to dwell. It seems almost superfluous to refer, in the present instance, to the testimony on this subject of Homer, Plato, Ealean, Timeus, Cicero, and Procopius, as those of the ancients who have given us the greatest share of information respecting Sicily, or to state that Masa, Brydone, Swinburne, Galt, Thomson, Eustace, and Blaquiere, afford amongst the moderns ample testimony to the truth of the accounts of the ancient riches and grandeur of the island, and the melancholy contrast which its modern state presents to its former magnificence. Nature has been bountiful in an almost unparalleled degree, to this fine island, and there are numerous localities, as well as that of Castro Giovani,* to which the poetical description of Milton may with equal truth be applied. No one, who, like the writer of these observations, has traversed Sicily, in almost every direction, can for a moment doubt, that to the want of passable roads nearly all the misery which affects modern Sicily is to be attributed; and on this subject the authority of a late talented, though liberal writer, may be held as in a great measure decisive, both as indicating the real cause of the present state of Sicily, and the means in which a remedy for the evil is to be sought.

"With the advantage of good roads," says Mr. Blaquiere, "of which the interior of Sicily is entirely destitute, there "is no part of Europe through which the eye of curiosity "and research could be more agreeably or profitably directed;

* "That fair field
Of Enna, where, Proserpine gathering flowers,
Herself a fairer flower, by gloomy Dis
Was gathered."

"but the latter is a very trifling consideration, when com-
"pared to the innumerable national blessings which a greater
"facility of interior communication would produce. This
"subject is of the utmost importance to future legislators of
"the island, and, if neglected, little need be expected from
"any other exertion of their wisdom; for, it is amongst the
"very first objects connected with the island's prosperity."
* * * "This may be considered as one of the principal
"causes of so few strangers having visited Sicily; and to it
"may altogether be attributed the wretched state of those
"who do not inhabit the sea coast." Himself born in the island, it is not wonderful that his present Sicilian Majesty should have been early and forcibly impressed with the justice of such remarks, and that he should, upon his accession to the throne, have endeavoured to devise the means of ameliorating the evils complained of. A fund, available of appropriation to the construction of roads, was obviously the first desideratum; and it was with the view of obtaining such a fund that attention was, in the first instance, in 1837, directed to the state of the Sicilian sulphur trade.*

That some degree of advantage had attended the prosecution of the sulphur trade, and the increase of its extent, to Sicily and its inhabitants, may safely be assumed; but on the other hand there were drawbacks and disadvantages incident to this species of traffic, which were in themselves almost self-evident. It has, most fallaciously been inculcated by the Times and other English prints, that the sulphur trade was the only branch of commerce which could be prosecuted with the hopes of success in Sicily, whilst in reality the direct reverse of this is the case; and from the enormous and exclusive excess to which the trade in sulphur was from its nature found to assume, other advantageous branches of commerce and agriculture became neglected or rather abandoned. It was also apparent from the excess to which mining operations had for some years been carried, that a system of forestalling, both in the Sicilian markets and in foreign ones, had

* This was only the commencement of numerous improvements, contemplated by the king, had it seemed meet to our alkali and soap makers to permit him to govern his own dominions. Thus, it is specially provided for in Taix's contract, that a manufacture of sulphuric acid, and of sulphate of soda, (to which the sea salt of Lentini and Augusta might be applied, and the oil of the country, by such means, find a consumpt in soap-making), should be established within a limited time by the company, as one of the conditions of the continuance of their privileges. This has not been prominently put forward as a ground of complaint by the British government, but when we reflect upon the quarter whence the whole clamour emanates, we are tempted to exclaim, "*hinc illæ lacrimæ.*"

become not only practicable but prevalent with respect to sulphur, which led to the prices in the commodity being kept so completely in the hands of the foreign speculators as to deprive, in most instances, the Sicilian miners of a remunerating price for their labour, and which had latterly caused the working of several mines to be abandoned. Nor did the remedy for such evils appear to be attended with results calculated in the end to benefit Sicily; for were it to be supposed that the demand for brimstone was to increase in future in the same ratio in which it had advanced for a series of years previous to 1838, the consequence seemed not to be improbable that in a short time the whole of the sulphur in the island would be extracted, and the *caput mortuum* alone left. Neither in the meantime was it found that the price received for the sulphur was expended in furthering the other sources of prosperity incident to the country; for it was not to be denied that from the state of the landed interest in Sicily much of the money paid for Sicilian sulphur found its way to Naples and other foreign and expensive capitals.*

A single argument, illustrative of the ruinous state into which the sulphur trade of Sicily had got, may be here adduced as demonstrative of the absolute necessity which existed for legislative interference on the subject, at the time that the King of Naples, in June 1838, entered into the famous contract with the house of Taix, Aycard & Co. of Marseilles. At this time the price paid in Sicily by the exporters of sulphur was as low as twelve, or eleven carlinos per cantar, or about £2, 7s. per ton. The expense of raising the sulphur is 10 carlinos and a half per cantar, leaving 2d. per cantar as the profit of the mine owners.

By the fixed price under the subsisting contract with Taix & Co. the proprietors realise, for certain, 5 carlinos, or 1s. 8d per cantar instead of 2d. !

We have now arrived at the period (27th June, 1838,) when the King of the Two Sicilies, influenced by the considerations to which allusion has been made, and acting by the advice of his Minister of State, St. Angelo, entered into the contract

* Articles, the produce of Sicily, the cultivation and manufacture of which might be prosecuted with advantage in the island, but which were impeded and prevented, directly and indirectly, by the sulphur trade. Wheat (three qualities), barley, beans, pease, silk, oils, wines, brandy, cotton, hemp, flax, barilla, liquorice paste, bees wax, honey, manna, cantharides, cheese, pistachio nuts, salt, almonds, raisins, figs, anchovies, antimony, mercury, oranges, lemons, coral, amber. For want of roads scarcely any of these articles can be brought to the coast, whilst others, such as salt, tunny fish, and anchovies, cannot be carried into the interior.

which comprises the terms of what has been denominated the Sicilian sulphur monopoly, with the house of Messrs. Taix, Aycard & Co. of Marseilles. For the better understanding of the subject, the attention of the reader may here shortly, with propriety, be directed to the terms of this famous contract.

Article 1st, The capital of the company is fixed at £316,000 sterling.

2d, The annual product of sulphur exported from Sicily, computed at 900,000 cantars, is to be reduced to 600,000 cantars. Messrs. Taix & Co. are by this article also obliged to purchase the whole of the 600,000 cantars from the miners, should the latter so wish, at the fixed price of 21 tarins per cantar for the third quality of sulphur, 23 for the second quality, and 25 for the first quality. The company are besides obliged to pay the proprietors 4 tarins per cantar for the 300,000 cantars which are not raised. Should the sulphur miners prefer to export on their own account, or to sell to others than the company the sulphur which they raise, they are at perfect liberty to do so upon paying an export duty of £4, 7s. per ton.

3d, Describes the mode of declaring and ascertaining the quantity of sulphur on hand at the date of the contract with Taix & Co.

4th, Establishes a duty of 2 ducats per cantar on the export of sulphur, two-thirds of which the King of Naples assigns to the Company, and one-third of which is retained by the Treasury, to be applied by Article 5th to the construction of roads in Sicily, and to the abolition of the tax on grinding grain.

5th, The terms of this Article have been explained under Article 4th.

6th, Restricts the obnoxious Company, (not the British merchants in Sicily, be it remarked,) from selling sulphur at a price exceeding 40 tarins for the third quality, 43 for the second quality, and 45 for the first.

The remaining Articles summarily prescribe the duration of the contract, (10 years from its date), the mode of payment of the duties, and the official privileges of the Commissioners appointed by the King to execute the terms of the agreement.

No sooner were the terms of this contract known, than the British importers of sulphur, the acid and alkali makers, the soap makers, and others, took the alarm, and raised a howl, which was responded to by the public press, and in Parliament, in terms of such virulent and passionate invec-

tive, as to appear scarcely credible when the nature of the case was for a moment considered. The contract was said to be absurd, ridiculous, and worthy of the barbarous ages, and moreover perfectly certain to defeat its own object; whilst, through some incomprehensible contradiction, the importers and consumers in Britain continued to manifest a degree of intense alarm at the prospect of its being maintained, which, when taken in connection with their confident predictions of its failure, could not but appear extremely ludicrous.* Accusations of the grossest immorality, and of the practice of unheard of bribery and corruption, were thundered against all and sundry, in any way concerned in the contract, and a climax was given to the whole by the assertion that Mr. Taix was, neither more nor less than—what does the reader think?—a Carlist!—a friend of the Duchess de Berri!—all of which was held to be irrefragably proved by the circumstance of Mr. Taix having been at one time seen in the same steam-boat with the Duchess!!! At the same time it must be owned, that not a few persons were disposed to enquire why and wherefore the political opinions of Mr. Taix, or his acquaintance with the Duchess, were to be held as conclusive evidence of the impolitic immorality of this contract, or of its being worthy of the barbarous ages.

When accusations of the stamp of the foregoing had in some measure run through their phasis, the cry of a mystery, a mystery, was raised—the contract was not only a monopoly but a mystery, (there is to be sure an M in both words—a river in Monmouth and a river in Macedon) and as a monopoly was shocking to all liberal feeling, it was endeavoured to attach a sort of "raw-head-and-bloody-bones" character to the contract, by representing it as a mystery. This was the tone assumed in particular by a Scotch paper (the Glasgow Constitutional); but really the mystery in this case will appear to most persons to resemble that detected by a raw countryman of the editor, who, upon occasion of his first journey to London, thought proper to supply himself with a pair of inexpressibles. When the tailor waited upon his customer, to fit them on, Sawnders, finding them somewhat deficient in amplitude in a certain quarter, could only succeed in introducing himself into them at the expense of rending them from the waistband downwards, displaying, to the eyes of the astonished "knight of the needle," the seat of honour in pristine nudity. Sawney, however, nothing put

* See Appendix.

out, merely looked over his shoulder to the petrified tailor, coolly remarking, "*na it's a perfit admiraution* (anglice, mystery, wonder, *vide* Jamieson) *tae me hoo I gat they breeks ootour ma hurdies.*" Now, verily, the mystery of the sulphur contract would appear about as incomprehensible as that of the Scotchman and the breeks, and the solution of both the one and the other may very well be left to those who may continue to feel astonished at either.

There are, however, persons who see a mystery in everything which they are incapable of comprehending, and to all such as are so blind that they will not see, it is scarcely necessary to affirm here, that there is no mystery whatever in the Neapolitan Sulphur Contract, and that the conduct of both the Neapolitan Government and Mr. Taix, in reference to the transaction, are as well known as are the particulars of any transaction upon record. The argument of such persons, as maintained, in reply to all this vituperation, that the King of Naples had, as an independent Sovereign, the unquestionable right to devise and promulgate whatever fiscal regulations he thought advisable with respect to his own dominions, continued to be treated with the utmost scorn and contempt. Those who questioned whether there was any essential difference in principle between the regulations of the contract with Taix, and our own copyright bills, railway and canal acts, and the direct interference of Government in the case of the South Sea and Mississippi schemes, were stigmatized as hopeless and illiterate barbarians; and, following in the wake of the clamour, the British Government sent, (in addition to the permanent and expensive mission to the Court of Naples,) Mr. MacGregor, who had recently before been employed upon a mission to Vienna, to catechise and coerce the King of Naples, in reference to his conduct in the sulphur question. The ground taken by the British Government, in the transaction as stated, upon various occasions in Parliament, was, that the contract with Taix & Co. was an infraction of the Treaty of Commerce between Great Britain and Naples, signed at London in 1816; and, acting upon this assumption, the English Envoy is said to have requested, in the most urgent terms, of the Neapolitan Secretary of State, that he should lay before the King a note, couched in the most offensive terms, demanding an immediate rescinding of the contract, and the necessary evasion of which demand, on the part of the Neapolitan Minister, led to the misapprehension by the British diplomatist, which caused him to report to his Government that the affair was settled by the abolition of the monopoly. From the interrogatories put in

Parliament, it however appeared, that this was an incorrect view of the subject, and the Government, it is believed, again sent instructions to Naples, for our envoy categorically to demand the immediate abrogation of the contract with Taix & Co. To this demand his Majesty is said to have answered, that he could not comply, without the sacrifice of both his feelings and his principles. In the meantime, his dominions are threatened with hostilities on the part of Britain, and the public anxiously awaits the solution of the question expected to result from the special mission of Prince Castelcicala to this country.

It may here be proper to revert to some of the arguments and statements, in relation to this question, adopted by Lord Lyndhurst, in his speech on the subject, in the House of Lords, on the 2d of February, 1840. His Lordship is reported, in the sort of preamble to his speech, to have said, that "Their Lordships were no doubt aware, that, in consequence of modern discoveries in chemistry, the article of "sulphur had become one of very great importance in the "manufactures of Britain, and in the course of eleven years, "ending 1837, the importation had increased elevenfold. In "1826 we imported only about 4000 tons of sulphur, and in "1837 the importation had encreased to the enormous amount "of 44,000 tons, and from that their Lordships are aware of "the increased importance of the trade in that article."

Now, here it is proper to remark, that, had the increase been produced by other causes than by those already pointed out, namely, the removal of the British duties on sulphur, common salt, tallow, glass, and soap, and by the destruction of the trade in kelp, potashes, and native alum and copperas, that the conclusion arrived at by Lord Lyndhurst may in this instance have approximated to a legitimate one; but, when the real nature of the case is known and considered, there are, it is hoped, few candid persons who will feel disposed to view this enormous increase in the importation of Sicilian sulphur as either so indispensable or so beneficial to British manufactures, and to British interests generally, as his Lordship represents it to be. Lord Lyndhurst continues—

"In 1816 a commercial treaty was entered into between "Great Britain and Naples, by the terms of which, British "subjects were placed on the footing of those of the most "favoured nations, in consequence of which, and in faith of "the reliance placed on it, the merchants of this country had "taken leases of the mines of Sicily, and embarked large "capital in mines, and in erecting the buildings and machinery requisite for working the same. The terms of the

" contract with Taix & Co. he contended, was in direct vio-
" lation of the treaty of 1816, as it compelled the British
" merchants settled in Sicily either to sell the produce of
" their mines to Taix & Co. or in the event of their choosing
" to export it on their own account, they had to pay a duty
" to the Neapolitan Government."

Now, in reply to this statement the reader's attention is in the first instance requested to the documents A and B in the Appendix; and, although it is no doubt correct that British subjects are compelled by the contract of Taix & Co. to pay a duty to the Neapolitan Government on the sulphur which they might prefer to export on their own account, still the same amount of duty is charged on all other foreigners so exporting sulphur, and exactly the same amount is in fact charged upon the sulphur actually exported by Taix's house itself. That the King of Naples should not in consequence of the treaty of 1816 have the power of at all taxing any articles, or at all events the article of sulphur, within his own dominions, must surely, in a " common-sense" point of view, appear nothing short of preposterous, the more particularly when it is unblushingly put forward that the only persons who are to benefit by such a restriction are the sulphuric acid makers, and soap, and alkali, and glass makers of Britain, in whose favour the internal tax on brimstone imported into Britain, and the taxes on salt, soap, tallow, and glass have already been remitted.* Lord Lyndhurst also strongly urges the right of the British subjects who have invested capital in the Sicilian mines, for compensation for what they may suffer from the operation of the contract with Taix & Co.; but independent of the doubts as to whom the actual proprietors of the Sicilian mines are, or whether all right to the same continues inalienably vested in the Crown, and to which allusion has been made,* there is an express statute in Naples, which renders it impossible for any foreign subject to possess real property in the Neapolitan

* The forced construction endeavoured to be put by the British government upon the treaty of 1816, involves neither more nor less than the assumption that this treaty provides for the substitution of the British sulphur merchants, alkali makers, soap and glass makers, &c. for the sovereign and parliament of Sicily, in as far as the internal legisation of the country is concerned. It is presumed that it will not be objected to in future, should such a principle be established as regards Sicily, that similar privileges should be conceded to the subjects of those foreign powers with whom we have treaties of alliance, and that they, as subjects of the most favoured nations, may be held entitled to object to any internal taxes or duties upon export and import being imposed wherever the same may appear incompatible with their interests or caprice.

dominions. This may no doubt be got over, by the parties relinquishing their allegiance to their own sovereign, and becoming naturalized by an act of the legislature; but then they, "*ipso facto*," lose all claim to foreign protection. Now, it surely cannot be meant to be contended, that in this instance, British subjects are to be entitled to hold allegiance both to Britain and Naples; as Neapolitan subjects to hold real property, in terms of the Neapolitan laws, and at the same time continue, as British subjects, to claim exemption under a treaty of commerce, from the payment of taxes required of them in their capacity of Neapolitan subjects; and, in the event of such exemption being refused by Naples, to expect that this country should embark in a war to sustain their double claim to naturalization, and to procure them compensation for the losses which they may have incurred, through their avarice and imprudence.

Much, as it has already been shewn, has been conceded to the class of persons in question. It is hardly to be imagined that the indulgence of John Bull, in regard to them, will proceed so far as in this instance they seem to expect. But to continue the analysis of Lord Lyndhurst's oration, his Lordship proceeds, "But there was another circumstance, "of which the Petitioners also justly complain. In the "course of trade, contracts had been entered into for the "supply of sulphur at a future period. The monopoly was "announced on the first of July, to come into operation "on the first of August following, only one month after its "commencement, and the consequence was a great increase "of price; and all those persons, therefore, who had entered "into contracts for the supply of the article at a certain "price, found the prices so advanced, that to fulfil them "would involve them in ruin; and the consequence was, "that 24 of our British ships, which arrived for the purpose "of conveying sulphur to this country, returned without "their cargo. The sulphur trade, therefore, which was of "so much importance to Sicily and this country, was put an "end to. It was true that parties still held their property "—their mines were still worked—but, as he told their "Lordships, the trade was substantially at an end. The "price of the article in the English market was double what "it was in 1837, and the merchants of this country were "reduced to all sorts of expedients, to obtain a substitute "for the article at a cheaper rate than the high price they "were obliged to pay the merchants of Sicily. As their

* See Page 4.

"Lordships would suppose this had created a great outcry, "and occasioned remonstrances amongst the British mer- "chants in Sicily, and the Sicilians themselves—because it "had the effect of throwing an immense number of native "labourers out of employment, and he was told that the "indignation excited was so strong, that if an English ship "of war had arrived off the coast during that period, an "end would have been put to the monopoly."

Now, with respect to individuals who had engaged in contracts, being injured by the operation of the monopoly, it may, most probably, be quite an accurate statement; but, might not the same have occurred from many others of the contingencies of trade? Nay, does not this occur every day; and, in such cases, does the contractor ever dream of claiming compensation? The obvious fact is, that the contractors, in such cases, run the risk of such contingencies; and there seems no reason why they should not submit to the one under consideration. But there is another feature in this part of the case which must not be passed unnoticed. The importers of sulphur into Britain had, for a series of years, guarded themselves against the occurrence of any contingencies of the kind, and, by the adoption of a system of forestalling, had always such a stock of the article on hand, as to enable them to keep the prime cost at the lowest possible limit, and, more or less, to protect them against competition in the trade. They had, in fact, established a much more grievous monopoly than that which they now clamour against, and, by "running "in" enormous quantities of sulphur immediately preceding the commencement of the contract, they had nearly overthrown the monopoly of Taix at its outset; for the markets of both France and England were, at that time, so overstocked, that the Company could not find the means to dispose of the quantity they were obliged to take from the proprietors. A glance at some of the items of the statistical tables, relative to the trade, published by the opponents of the monopoly, will demonstrate the truth of this statement.

SULPHUR TRADE OF THE UNITED KINGDOM.

Years.	Imported. Tons.	Entered for Consumption. Tons.
1832	17077	16415
1833	20487	19082
1834	25390	22078
1835	30720	30838
1836	33358	25692
1837	40740	37486
1838	44653	33978

In the course of seven years there is here shewn a forestalment of the English market, by those antimonopolists, to the extent of 30,826 tons, or more than an average year's consumpt. Had the same system been persevered in, it is obvious that a most insurmountable monopoly must have been established in the hands of these persons; and it was a knowledge of the state of the case which induced the Sicilian government to hurry on the commencement of the operations under Taix's contract. As for the assertion that "the trade "had been put an end to by the operation of the monopoly," it is only necessary to remark, that, up to October in 1839, the import of sulphur, under the operation of the monopoly, amounted to 22,160 tons; and, most probably, by the conclusion of the year, it did not show a decrease from the average import of the last dozen years preceding the existence of the monopoly; and as for the 24 British ships having returned without cargoes to Britain, it is a fiction in which Lord Lyndhurst no doubt put faith, but in which his facility of temper has been egregiously abused by those who imposed upon him the statement.*

The next assertion relates to the merchants in Britain being "reduced to all sorts of expedients to obtain a sub- "stitute for the article at a cheaper rate than the high price "they were obliged to pay the merchants of Sicily." That such substitutes were sought for upon the rise of price which followed the monopoly is probably true; but there can be no doubt that in the end the sulphur of Sicily will be found to be the cheapest supply of the article which the merchants of Britain can obtain, the more particularly if the demand for the article in the manufacture of alkali and factitious alum should diminish. In most other chemical manipulations in which sulphur is requisite it is used in comparatively small quantities, and any rise in its price would be found scarcely to influence the cost of the articles fabricated; and there can be no doubt that, even at the diminished rate of export from Sicily under Taix's contract, an abundant supply for every legitimate purpose would continue to be afforded for Britain and the rest of Europe.† The alleged "indignation excited "in Sicily" next in order claims our notice, and need only

* 100,000 tons of British shipping have been thrown out of employment annually by the destruction of the kelp trade.

† It is one of the singular features of this case, that the British workers of mines in Sicily have actually homologated the contract with Taix & Co. by receiving payments for their sulphur, whilst they at the same time clamour with the British government for the abrogation of the contract under which they were paid.

be met by a denial, the direct contrary being the fact; and the price of £5, 10s. per ton given by the French company instead of £3, 4s. the old price, finding its way into the pockets of the miners, will enable them to resume in some measure the active demand which they exhibited in 1834 for the articles of British produce, woollens, cottons, and colonials, and in particular the article of Newfoundland cod fish, prescribed by the tenets of the Catholic faith as food at particular seasons, when the price of sulphur was so high as £14, 10s. per ton.* The next startling assertion of Lord Lyndhurst is, that the existence of the monopoly causes "a "loss of £1000 a day to Britain." To meet this it seems only necessary to observe that the difference between the value of the trade when at the highest, and when under the influence of the monopoly, would appear only to show a diminution of £288,080 per annum; but it is surely not intended to be maintained that this amount, because not paid for Sicilian sulphur, has been lost to the country. Nevertheless, if report speaks truth, proceeding upon this most fallacious statement, we are assured that our Government has actually intimated to the King of Naples that they will hold him responsible for this amount of loss during the entire period of the continuance of the monopoly.† This calculation of the diminution in the annual value of the sulphur trade is made too, under the assumption that the highest average amount of sulphur imported in the year, viz. 33,978 tons, was of the value of the highest price existing under the monopoly, viz. £13 per ton, in all £441,714. As for his Lordship's recommendation of explaining the treaty of 1816 through the logic of a bombardment, it may be summarily dismissed with the expression of deep regret and pity that for an instant an individual, endowed with the highest powers of intellect, and capable of conferring not only the highest degree of benefit on his country, and through his exalted character shedding lustre on her annals, should have been betrayed into the strange specimen of special pleading exhibited in his speech on the sulphur question. The annual value of the British kelp trade, annihilated by the sulphur trade, was about £440,000: set this against what Lord Lyndhurst must have meant to state as the loss by the monopoly, namely £288,080 per annum,

* This fact does not as yet seem to have awakened the sympathies of any of the zealous Catholics connected with our government.

† How was this £1000 a-day to be applied, if obtained from the King of Naples?—to compensate the British manufacturers? or for the benefit of the public, at whose cost the war was to be waged? or was it to be snugly pocketted as prize money in some particular quarter?

would give a balance of loss in favour of kelp of £153,634 per annum. But the difficulty of arriving at any satisfactory conclusion by the aid of arithmetical statements on such a subject must at once be apparent, and to persevere in the attempt would only tend to call to mind the humorous observation, attributed to Mr. Canning, that "he could prove any "thing by arithmetic."

In some of the British journals, a most extraordinary tone has been assumed, in reference to this question, since the promulgation of Sir Frederick Pollock's and Dr. Phillimore's opinion on the subject, to the effect that it was obvious that these gentlemen viewed the matter as a question between nation and nation, and not a question between a nation and a private company.* When the circumstances of the case are considered, it seems difficult, in this instance, to follow or perfectly to comprehend the editor's meaning; for it is quite obvious that it is only by viewing the question as one between nation and nation, that the interests of any private company or individuals could come to be considered under it. Why—the treaty of 1816 was concluded between two nations, and not between the King of Naples and a private company. How then, can British subjects fall back upon this treaty, as entitling them to demand protection and compensation at the hands of their government, if the question be not one between nation and nation? Or let it be conceded that this is a question between the Neapolitan government and a private company, in such case let the private company, whatever or whoever they may be, settle and adjust the question with the government of Naples, without the aid of the British government, whom, it has been argued, is in no way a party to the question.

In the same newspaper, a very strange interrogatory is put, in the name of "common sense," viz.: What is the use of the treaty of 1816, if the British merchants are not to get every thing their own way under it? Now, in the name of "common sense," we should beg to answer this question, by declaring that the use of the treaty of 1816 was to secure every fair and reasonable and usual share of protection to British subjects, in their intercourse with the kingdom of the Two Sicilies; and at the same time to recognize the King of the Two Sicilies as an independent sovereign, but that this treaty was never intended to invest British subjects with the double character of lieges both of Great Britain and Naples, and as therefore entitled to demand privileges and immu-

* See *Times* newspaper.

nities under such a double character, nor with the still more anomalous power which they seem disposed to claim, of dictating to the King of Naples, (whose subjects they pretend at the same time to be, as holding real property in his states, whilst they also claim the privileges of British subjects under the treaty of 1816), the fiscal regulations and internal system of taxation which he is to be permitted to adopt in the country over which he reigns. Such an attempt, on the part of the British, or any other foreign government, must appear sufficiently monstrous; but on the part of a junta of private traders and manufacturers, however respectable and influential they must at once be admitted to be, it cannot but appear as absolutely preposterous. Again, the use and intention of the treaty of 1816 was to place the King of Naples on the same independent footing, as regarded his intercourse with Britain, as did the other commercial treaties subsisting between Great Britain, and more powerful Sovereigns, such as those of France, Russia, Austria, and Prussia, with whom no question could ever have assumed the character which the sulphur question has done between Britain and Naples. Farther, let it be for an instant supposed, that, under the treaty of 1816, Naples or any other power had assumed that Great Britain was guilty of an infringement of treaty, in granting, by an act of the legislature, to a particular individual or individuals, not a Neapolitan subject, the patent right for the exclusive use of some particular invention, or to a joint stock railway or canal company, special powers and immunities, would it be tolerated, we demand, that the King of Naples, or any other foreign sovereign, should step in and insist, that, under the provision of a treaty of commerce, which stipulated that his subjects, by such a treaty, were entitled to the privileges of the most favoured nation, he had the right to demand the abrogating or rescinding of the patents, or railway or canal acts, to which allusion has been made? The supposition would seem, in fact, puerile and preposterous. But the British government, and the opponents of the monopoly, do not stop at this point, but insist that their alleged possession of property in Sicily entitles them to the privileges of Neapolitan subjects.* Now, what would be said in Britain to the analogous demand on the part of Neapolitan subjects, or other foreigners, that the fact of their being the holders of a few railway or canal

* That is to say, to hold real property in the island, which they can only do by being recognised as Neapolitan subjects.

shares should, *ipso facto*, confer upon them the rights of naturalization?

From the most recent advices there seems every reason to believe that the British government means to persevere in the iniquitous attempt in which our rulers have in this instance engaged, an attempt which places a great and magnanimous nation, such as Britain in a position so false that she can neither recede from it without dishonour, nor succeed in it without disgrace. There are, however, other considerations which here force themselves upon our attention. The proceedings of the British government have, as we have seen, (see Appendix A and B) been declared by jurists to be inconsistent with international law. Now, if this position can be maintained, in what predicament, we would inquire, do our rulers place themselves in regard to those British subjects or others holding a vested interest under the sulphur contract. Let it be granted that they succeed in forcibly compelling the King of Naples to abandon or abrogate the contract, are they not to be held responsible at law by such parties as can instruct loss sustained to their vested interests by the illegal interference of the British government to deprive them of the benefits which they enjoyed under the investment in question? That such a line of argument may apply to the case of the shareholders in the sulphur company, must appear by no means improbable; and how far such a line of argument may extend to others affected by the anti-international proceedings of our government, may also come to be questioned. Again, is it in their capacity of ministers of the crown or as private individuals, or as both, that such demands for reparation would lie—or how far, in the event of any bar existing as to adopting such a view of the case, would Parliament be inclined to sustain favourably a claim for compensation to the sufferers, or would impeachment be deemed the more dignified and equitable course of proceeding? always supposing that the war waged, or the ends effected under threats of hostility were in their nature held illegal by competent jurists.

After the perusal of the preceding brief and imperfect sketch of the various particulars connected with the sulphur question, from the pen of one wholly unable to do adequate justice to the subject, it is hoped there may be persons not indisposed to view the proceedings attendant upon the question, so far as the conduct of the British government is concerned, as partial, oppressive, unfair, and impolitic, in relation to its bearing on the interests of British subjects; as

treacherous, unmanly, and absolutely illegal, in respect to the steps adopted with an old and unoffending ally, and as being altogether characterised by such a mixture of insane folly and desperate wickedness, as to give full countenance to the suspicion that, under the miserable pretext of the sulphur question, designs of aggression and appropriation are concealed, whether as relates to furtively taking possession of some portion of the states of a comparatively feeble ally, or of revolutionizing the subjects of a friendly power, in behalf of one who has proved himself to possess but small pretensions to that character to entitle him to the consideration either of his own family or countrymen, or that of well-principled foreigners.

That the stronger powers of Europe may be awake to such machinations, and disposed to lend their aid in defeating them, is what cannot fail devoutly to be desired by every one alive to their country's honour, or to the feelings of humanity; and, whatever the result may be, civilized Europe is under a debt of gratitude to the King of the Two Sicilies for the spirited resistance he has offered to proceedings, calculated to shake not only every principle of moral rectitude, in so far as the affairs of states and governments are concerned, but to introduce grounds of interminable and inextricable confusion in every department of international jurisprudence.*

* Suppose that the King of Sicily were to yield to the demands of Britain, and abolish the monopoly, on what grounds could Great Britain oppose his imposing a tax of five times the amount of the one complained of on all sulphur exported from his dominions? By the clamour which they have raised, the sulphur merchants must have convinced the King that the article is indispensable to them. In this case they can surely afford to pay for it, and afford the miners a better profit than 2d. per cantar, the price they are avowedly determined to fix them to, whilst Taix's obnoxious contract secures them a profit of 1s. 8d. per cantar. (See page 11.) The King then would be a downright simpleton, were he not convinced, by the proceedings of the British merchants and the British government, that it is his duty to clap on a tax of 50 per cent. on the exportation of all sulphur from his dominions, as a probable means of enabling him to commute domestic taxes to a great extent at the expense of foreigners. Why should he feel any ceremony in endeavouring to recover some of the property out of which he has been pistolled? Even Captain Macheath, or Ikey Solomons, could not, according to their peculiar notions of justice, complain of a victim for endeavouring to recover goods under such circumstances.

APPENDIX.

(A)

SULPHUR TRADE OF SICILY.

The following is a copy of the case submitted for the consideration of Sir Frederick Pollock and of Dr. Phillimore, with copies of their opinions thereon.

CASE.

Recent improvements in chemistry, as applied to the arts, have led to a great increase in the consumption of brimstone, particularly in Great Britain and France, and great speculation took place in consequence among the proprietors of mines in Sicily, which is the great source of supply of that article.

In this state of things, the government, with the double view of raising a revenue for its own purposes and maintaining the price which had greatly fluctuated, for the benefit of the proprietors of the mines, granted a monopoly of the article to a mercantile company, and stipulated that the patentees should take annually from the mines a certain quantity, which they should pay for at a fixed price.

The company were to make certain payments to the owners of mines as a compensation for the deficiency of produce, and as upon the whole the Sicilians received for two-thirds of the quantity previously exported, a price exceeding what the whole quantity had before produced they make no complaint.

The effect of this measure, however, was greatly to enhance the price of brimstone to the consumer, and loud complaints are consequently made by the foreign merchants, and particularly by the British. It is not intended to defend the policy of such a monopoly.

Whether the universal freedom of trade is beneficial to the extent supposed by its advocates here, and whether it is applicable to all other countries and under all circumstances are points admitting of grave discussion. It is sufficient to say that the law of nations has never yet been supposed to prohibit any state from making its own arrangements on these subjects. Thus in many European states, tobacco is

a royal monopoly; in others quicksilver, and the produce of mines; in Brazil diamonds and dyewoods.* It cannot be contended that the creation of a monopoly in brimstone furnishes any ground of complaint against the government of the Two Sicilies, unless in so doing they have contravened some special treaty, and as the only complainants are the British merchants, it is to the treaty with the United kingdom that our attention must be directed.

Here follow a copy of this treaty (which may be seen in MacCulloch's Commercial Dictionary) and a translated copy of the Neapolitan decree, issued at Palèrmo, 4th July, 1838, granting the sulphur monopoly.

In a recent discussion in the House of Lords, on the 2d March, it was argued by Lord Lyndhurst, and seems to have been admitted by Lord Melbourne, that the creation of this monopoly was an infraction of the 5th article of the treaty. To clear the ground of some misconceptions, it may be well to state here—

1st, That the patentees are a Joint Stock Company in Sicily, many of whom are French, but a large number of shares were reserved for the British merchants. It is, therefore, idle to treat it as a privilege to any nation.

2d, The extent of mischief is greatly exaggerated. The import of the year preceding the monopoly is taken as evidence of the then state of the trade, whereas the extent of import was created by the apprehension of this measure, and caused a glut which has checked, and to a great degree prevented, subsequent dealings.

3d, Though there is some British capital employed in brimstone mines in Sicily, yet that is under colour of the title of natives, for the law does not allow such property to be held by foreigners. This leads us directly to the consideration of the article of the treaty in question, and it will be found on reference to be confined entirely to the personal privileges of British subjects and to their personal property.

By this article British subjects are to have free right to travel and reside in the Two Sicilies. They are entitled to occupy dwellings and warehouses, and to dispose of their personal property of every description by sale, gift, exchange or will. The other provisions of the article are confessedly immaterial, and the argument is that such a monopoly interferes with the free right given to British subjects to sell their property. This would be a very forced construction in

* In Portugal, Archilla weed is a monopoly of the government, both in the mother country and all the dependencies.

any case, but we submit that this property is not within the treaty.

The article gives to British subjects in Sicily the rights of foreigners in Great Britain. These are the rights to travel; to possess houses for residence, warehouses for trade, and to possess and alienate personal property, but not real property; and the article is confined to this. If British subjects own brimstone mines in Sicily, they are out of the protection of this article, for such mines are real and not personal property. Suppose such a treaty as applicable to foreigners in Great Britain, and the Neapolitan government might with equal justice complain that their subjects, having farms, were not allowed to grow tobacco, or that, having houses, they were not allowed to set up whisky stills. Such at least are the views taken by the supporters of the treaty; whether British subjects in Sicily, having stocks of brimstone there at the time of the promulgation of the new law, could complain of the impediments thrown in the way of the sale of it, is a fit subject of consideration, bearing in mind that the law was general and applied to the whole kingdom, as well natives as foreigners. Personal rights have now grown up in this country under the monopoly, and there are merchants here largely interested in the maintenance of it. Such persons cannot expect to stay the British government from upholding any line of policy which it may think for the general benefit of British interests, but they have a right to remonstrate against the enforcement of such policy by violence, under the false pretence of a right acquired by treaty. It is to them, therefore, of deep moment to know, and you are requested to advise,

Whether the creation of the brimstone monopoly in question is an infraction of the treaty with the Neapolitan government, either as applied to the British subjects interested in mines in Sicily, or to British subjects, holders of brimstone at the date of the establishment of the monopoly?

OPINION OF DR. JOSEPH PHILLIMORE.

According to the best received opinions of all the writers on public law, a monopoly of the description set forth in the case may be created by any independent state within its own dominions without the infraction of any principle of the law of nations.

Undoubtedly, however, it is competent to two states to prohibit by express stipulation the execution of any such monopoly within the limits of their respective dominions.

The only point, therefore, for consideration here seems to be, whether the monopoly in question is in any way affected by the treaty of the 26th December, 1816, which at the present moment regulates the commercial intercourse between Great Britain and Sicily.

The only articles which by any latitude of construction can be held applicable to this point are the 4th and 5th. The former relating to the commerce to be exercised, the latter to the personal privileges to be enjoyed by British subjects within the Sicilian dominions.

The utmost the 4th article stipulates for is, that the commerce of British subjects should be placed on the footing of the most favoured nations, and, as subjects of the most favoured nations, indeed the natives themselves, are equally affected with British subjects by the creation of the monopoly under the decree of July, 1838. I am clearly of opinion that the monopoly of brimstone is not prohibited by the terms of this article; this article being the one in which, in my opinion, if any such prohibition were intended it would naturally be expected to be found.

The 5th article, in my judgment, is "dehors" the point in question; it stipulates for the usual privileges and immunities to British subjects, and for the protection of their personal property, and places them with respect both to the one and the other, on the footing of the most favoured nations. But the mines of brimstone are not personal but real property; and with respect to the brimstone which may be in store, the British subjects are in no way affected by the decree of 1838, otherwise than the subjects of all other countries as well as those of the Neapolitan dominions.

In any view, therefore, that I can take of this question, my opinion is, that the monopoly not being prohibited by the law of nations, there is no stipulation in the existing treaty which can have the effect of precluding the Neapolitan government from making any regulation they may think fit respecting the production of brimstone and its export from Sicily, provided that British subjects are placed in no worse condition with respect to the growth and export of this commodity than the subjects of the most favoured state.

Doctors Commons,
26th March, 1840.

OPINION OF SIR FREDERICK POLLOCK.

I am of opinion that the decree creating the brimstone monopoly is not in any respect an infraction of the treaty between this country and the Neapolitan government, either

with reference to British subjects interested in mines in Sicily or to British subjects, holders of brimstone at the date of the decree. The treaty puts the subjects of the Crown of England on the footing of the most favoured nations, and it seems to me to do nothing more. A decree which applies equally to the subjects of the King of Naples and to all foreigners without distinction, cannot, I think, be regarded as a violation of such a treaty.

12*th March*, 1840.

(B)

AN ANALYSIS

Of the Treaty of Commerce and Navigation, between his Britannic Majesty and the King of the Two Sicilies, signed at London, September 26, 1816.

ARTICLE I. His Britannic Majesty consents that all the privileges, and exemptions, which his subjects, their commerce, and shipping, have enjoyed in the dominions, ports, and domains, of His Sicilian Majesty, in virtue of the treaty of peace and commerce, concluded at Madrid, on the 10th of May, (23d May,) 1607, between Great Britain and Spain; of the treaties of commerce between the same powers, signed at Utrecht, the 9th of December, 1713, and at Madrid, the 13th of December, 1715; and of the convention concluded at Utrecht, the 8th of March, 1712–1713, between Great Britain and the Kingdom of Sicily, shall be abolished, and it is agreed upon, in consequence, between their said Britannic and Sicilian Majesties, their heirs, and successors, that the said privileges, and exemptions, whether of persons, or of flags, and shipping, are, and shall continue for ever abolished.

II. His Sicilian Majesty engages not to continue, nor hereafter to grant, to any other power whatever, the privileges, and exemptions, abolished by the present convention.

III. His Sicilian Majesty promises that the subjects of his Britannic Majesty shall not be subjected, within his dominions, to a more rigorous system of examination and search by the officers of the customs than that to which the subjects of his Sicilian Majesty are liable.

IV. His Majesty, the king of the Two Sicilies, promises that British commerce in general, and the British subjects who carry it on, shall be treated throughout his dominions upon the same footing as the most favoured nations, not only with respect to the persons and property of the said British subjects, but also with regard to every species of article in

which they may traffic, and the taxes, or other charges payable on the said articles, or of the shipping on which the *importation* shall be made.

With respect to Articles I. II. and III. it is believed that no question has been raised, nor complaints, as to their infraction by Naples advanced by the British Government. Article IV. relates distinctly only to articles *imported* into Naples and Sicily, and places British subjects, in respect to such *importations*, on the footing of the most favoured nations.

It is, therefore, at once obvious, that, as the treaty between the King of Naples, and the house of Taix, Aycard & Co. relates exclusively to articles *exported* from Sicily, that no application of the terms of such treaty can be made, or submitted to question, or consideration, in reference to Article IV. of the commercial treaty of 1816.

V. With respect to the personal privileges to be enjoyed by the subjects of his Britannic Majesty in the kingdom of the Two Sicilies, His Sicilian Majesty promises that they shall have a free and undoubted right to travel, and to reside in the dominions of his said Majesty, subject to the same precautions of police which are practised towards the most favoured nations. They shall be entitled to occupy dwellings, and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, or will, and in any other way whatever, without the smallest loss or hinderance being given them on that head. They shall not be obliged to pay, under any pretence whatever, other taxes or rates than those which are paid, or that hereafter may be paid, by the most favoured nations in the dominions of his said Sicilian Majesty. They shall be exempt from all military service, whether by land or sea; their dwellings, warehouses, and every thing appertaining thereto, for objects of commerce, or residence, shall be respected.

They shall not be subjected to any vexatious search or visits. No arbitrary or vexatious inspection of their books, papers, or accounts, shall be made under the pretence of the supreme authority of the state, but these shall alone be executed by the legal sentence of competent tribunals. His Sicilian Majesty engages on all these occasions to guarantee to the subjects of His Britannic Majesty who shall reside in his states and dominions, the preservation of their property, and personal security, in the same manner as those are guaranteed to his subjects, and to all foreigners belonging to the most favoured and most highly privileged nations.

"It seems probable that it is to Article V. that it has been endeavoured to attach such a signification as to warrant the assertion, which has been hazarded in Parliament and elsewhere, that the Sicilian sulphur monopoly is a contravention of the treaty of 1816.* Here it may perhaps be a fitting occasion to

* The terms of what has been denominated the Sicilian sulphur monopoly are all of them embraced in the contract between the King of the two Sicilies and the house of Taix, Aycard & Co. of Marseilles.

enquire, how far King Ferdinand IV. of Naples, by whom the treaty of 1816 was ratified, was, by the law and constitution of his dominions, entitled to bind, by treaty, or otherwise, his heirs and successors in relation to any acts of legislation connected with the mines and minerals of Sicily. Under the sway of the feudal monarchs, who succeeded to the territories of the Western Empire, all mines and minerals continued vested by law in the crown. According to Gamboa, this right continued paramount in Spain, and all her dependencies, from the period of the extinction of the Western Empire to the present day. From the accession of Martin of Arragon to the throne of Sicily in 1412, down to 1700, Sicily and Spain continued under the same sovereigns, they having previously, from 1282 to 1412, been subject to princes of the house of Arragon, although not integrally united to the latter kingdom. In 1232, Frederick of Arragon promulgated a code of laws for Sicily, which modified that previously established in the island in 1040, by Roger, the Norman king of Sicily, and which in no way differed from the laws of the other feudal states of the west of Europe, being founded upon the Lombard and Roman laws. The code of Frederick of Arragon, with very trifling modifications, continues the law of Sicily down to the present day. Brydone, in allusion to the Sicilian mines having continued unwrought from the time of the Romans up to the period at which he travelled, states, on the authority of the natives, that the mines and minerals of Sicily were the reserved property of the Crown; and the laws of Spain, which, it is declared, applied to all her dependencies whatever, one of which it has been shown Sicily was from 1412 down to 1700, specially reserve all mines and minerals as the property of the crown, for the purpose, as stated in the code, of "maintaining the king in honour, for defending his territories, for supporting his wars against the enemies of the faith, *and relieving his people from taxes.*" It is likewise specially provided, that no king shall alienate or dispose of mines or mineral property *for a period exceeding the term of his own reign.* Philip II. it is true, who was king of Sicily as well as Spain, attempted to convey from the crown in perpetuity, the property of some mines in the Indies, but this settlement has always been disputed; nor is it known that he made any attempts to alienate from the crown any mines in Sicily. The King of Sicily has not advanced claims to actual property in the Sicilian mines; but feudal rights never prescribe; and his authority, as to the appropriation and disposal of the produce of the Sicilian mines, may continue wholly unprejudiced either by the treaty of 1816, or the supposed investiture of the mines in question, either in British subjects, or any other individuals. In 1713, Sicily was ceded to Savoy, and in 1720 to Austria, but was again restored by the latter power to the Spanish family in 1735, on condition that the same sovereign should not reign both in Sicily and Spain. In 1759, on Charles III. ascending the throne of Spain, his third son, Ferdinand IV. became king of Naples and Sicily. This monarch was the grandfather of his present Sicilian Majesty, and, as has been mentioned, rules in virtue of the code established by Frederick II. in 1282. But be this as it may, and whether the King of Sicily may eventually raise any such claims in consequence of the treatment to which he has been subjected in relation to the sulphur monopoly, it must be shown that by his treaty with Taix & Co. he has conceded privileges to the subjects of other states which he has denied to those of Britain, before it can be demonstrated that he has acted in contravention of the treaty of 1816. The leading articles of Taix's contract are the following:—

1st, The first article stipulates as to the capital of the Company, which is to be £316,000.

2d, The annual product of sulphur in Sicily is to be diminished from 900,000 cantars to 600,000 cantars, but no exception whatever is made in favour of any individuals, the whole British, and other foreigners, and Sicilians, engaged in the production of the sulphur being by this article subjected to the same restrictions. This clause of the contract, therefore, is no infraction of the treaty of 1816. Should the sulphur miners prefer to export the sulphur which they raise, to selling it to the company, or

to sell it to other persons in Sicily, they are at perfect liberty to do so without "loss or hinderance," upon paying an export duty of £4, 7s. per ton. Here is no privilege given to any foreigners to the prejudice of British subjects, only that it is made compulsory upon Taix & Co. to purchase the whole or any part of the 600,000 cantars, annually raised, at the rate of 21 tarins per cantar for the third quality of sulphur, 23 for the second quality, and 25 for the first quality—should the owners desire it. The company are besides obliged to pay the sulphur proprietors 4 tarins per cantar for the 300,000 cantars which are not raised.

This last clause seems the only colourable pretext for the assertions as to contravention of the treaty of 1816.

But, in order to constitute this a breach of treaty, it must be shown that other individuals than British subjects are exempted from the restrictions in question, which clearly is not the case.

Article 3d of the treaty with Taix relates solely to the mode of declaring the quantity on hand at its date, and the mode of ascertaining the produce of the mines.

Article 4th establishes a duty of 2 ducats per cantar on the export of sulphur, two-thirds of which the king assigns to the company, and one-third is retained by the treasury, to be applied by Article 5th to the construction of roads in Sicily, and to the abolition of the tax on grinding.*

Article 6th restricts the obnoxious company, (not the British merchants, or mine owners, be it remarked,) from selling sulphur at a price beyond 40 tarins for the third quality, 43 for the second quality, and 45 for the first.

British subjects are not restricted from becoming partners in the company; and it is somewhat remarkable that parties who now clamour for the adoption of coercive measures with the Neapolitan government, have homologated the contract with Taix & Co. by actually receiving payments from the company as proprietors of mines. The contract with Taix & Co. in fact is merely a farming of a tax to this house, imposed upon the exportation of sulphur from Sicily; and the question at issue would seem to be, whether by the commercial treaty of 1816, the King of Naples is debarred from the privilege of taxing articles within his own dominions. A simple inspection of the treaty, which is to be found at full length in MacCulloch's Commercial Dictionary, must at once demonstrate this; and show that the opposition raised to the sulphur monopoly is founded upon a quibble, which a perusal of the treaty in question, and the contract with Taix & Co. must at once suffice to overthrow.

By Article VI. of the treaty of 1816, the King of Sicily engages to maintain the privileges of British subjects on the same footing as those of all other nations within his dominions.

* This duty corresponds with that fixed by Article II. to be paid by British subjects or mine owners, should they prefer to export the sulphur from Sicily on their own account. Besides the Articles quoted there are others in the contract between the King of Naples and Taix & Co. which prescribe the duration of the contract, the mode of payment of the duties, the official privileges of the Commissioners appointed by the King to execute the terms of agreement, and to manage the government powder mills at Girgenti, but none of them bearing, however, remotely on the privileges of British subjects, as fixed by the treaty of 1816. In all treaties, commercial or political, it is to be borne in mind that the term "most favoured nations" applies to foreign nations, and not to the subjects of the power from whom the stipulation is exacted or obtained.

Article VII. relates solely to the duties on British imports into the Neapolitan dominions, on which the King of Sicily agrees to remit 10 per cent. on the duties existing by the tariff previous to 1816.

Article VIII. places the subjects of the Ionian islands on the same footing in the Neapolitan dominions as those of Great Britain.

A separate and additional article explains the construction to be put upon Article VIII.

Articles VI. VII. VIII. and the additional article, have not the most remote application in any part of their contents to the contract with Taix & Co.

Since 1823, the importers of sulphur, the makers of sulphuric acid, the makers of alkali, the soap and glass makers, and the makers of factitious alum, have reaped millions at the public cost, by the repeal and reduction of the duties on common salt, sulphur, barilla and tallow. They have been enabled by such concessions to annihilate the kelp trade, and nearly to annihilate the native manufacturers of alum and copperas, whilst, by a lamentable fatality, they have also been enabled to crush the trade in potashes, which was the branch to which the emigrants, ruined in the Highland kelp trade, betook themselves in our transatlantic colonies, and which was nearly as essential to the clearing and cultivating of these colonies as the kelp trade was to the introduction of improved agriculture into the Highlands. If a war is to be waged with the King of Naples, are the parties in question willing to sustain the sole expense of it?—or, are they willing to defray the cost of the emigration rendered indispensable by their operations?—or, will they consent to a moderate duty being imposed on salt, or sulphur, barilla, or tallow, to make good the deficiency in the revenue caused by the penny postage experiment!

After what has been said, it may, however, not appear inconsistent with fairness and common sense, to hope that ministers, and the British Parliament, will permit the King of Naples to govern his own dominions; and that, should there be any doubt as to the construction of the treaty of 1816, it will not be insisted upon, that the legal maxim which repudiates the assumption that in a disputed case the decision should not be left solely to one of the parties interested, but that the judgment of neutral parties should be had recourse to, may not be departed from. In the disputed case of the North-American boundary question the arbitration of the question was left to the King of the Netherlands. If there be difficulties as to the meaning to be attached to the treaty of 1816, why not, on the same principle, call in as arbiter the Emperor of Russia?

(C)

The contract entered into between the Neapolitan government and the French Sulphur Company has excited the indignation of certain English speculators, who, accustomed to keep in their own hands the exclusive trade in an article, of which the monopoly is so easy, are now endeavouring to turn a question of private mercantile interest into a question of state, and to rouse the national jealousy of Great Britain, which is ever on the alert when French industry or capital is diverted into new and profitable channels.

Mr. MacGregor, who lately assisted in making the new arrangements relative to the payment of duties between France and England, was sent, some time ago, to Naples, to negociate a treaty of commerce, and to demand, among other things, that the agreement concluded between the King of the Two Sicilies and the French Sulphur Company, should be annulled. Mr. MacGregor, it appears, assumed a very high tone, and conducted himself at Naples, as if he carried in the folds of his mantle a war of reprisals and a commercial blockade; but, we believe, that neither his representations nor his threats were able to prevail against the interests of Sicily, and the good faith of a solemn contract. The very nature of these threats, however, was sufficiently ridiculous. Mr. MacGregor declared to the Neapolitan government, that if the agreement with the French Company was not immediately cancelled, Great Britain would impose a prohibitive duty of 500 francs per ton upon the sulphur of Sicily. We are curious to learn how England is to do without the 37,000 tons of sulphur, which she annually imports from Sicily, or from what other quarter she is to procure this supply. If to punish the King of Naples for his fidelity to his engagements, she thinks it right to deprive her manufactures of chemical productions, and to be dependent upon us for the sulphuric acid which they require, we see no possible objection to the proceeding, and willingly allow Mr. MacGregor's claim to be a great economist.

We can easily understand that the formation of a powerful French Company, to carry on an important branch of trade, hitherto exclusively confined to English speculators, is viewed with an evil eye by our excellent allies on the other side of the channel. There must, in the nature of things, be a rivalry between France and England about their respective influence in the Two Sicilies; and the cabinet of London is well aware that commercial relations prove the best foundation for a political alliance. We see, with pleasure, that latterly our citizens have found fresh channels for the employment of their capital and intelligence, in Sicily, in Tuscany, and in Greece, where different mercantile companies have been established, and contribute to raise the credit of France; and we hope that the day is not far distant when Spain, restored to tranquillity, will open a wide and valuable field to the exertions of French industry. We perfectly comprehend that English intrigues would confine our resources and our activity within the limits of our own territory; but we cannot but regret that they should be assisted by some of our own countrymen, who, on the strength of erroneous infor-

mation, have devoted themselves to the defence of certain arbitrary principles of political economy. We allude particularly to the *Courrier Francais*, which, after stating the complaints made by Mr. MacGregor, has given a very incorrect statement of the facts which led to the formation of the French company. The speculation, under the old system, and consequent annual fluctuations in price, were very injurious to the sulphur trade of Sicily, and affected both the producers and the consumers. It is indeed maintained, that there has been a constant and regular increase in the production, as evidenced by the united consumption of France and England, which, during the last four years, has gradually increased from 49,000 to 54,000 tons per annum. But it is not to the consumption alone that we must look, but to the quantity exported and deposited in the English and French warehouses; and the variation in the annual importations of sulphur into France has been enormous. In 1835, they amounted to 21,000 tons; in 1836, to 30,000; in 1837, they decreased again to 20,000; and in 1838, we find that they amounted to 40,000 tons; double the quantity of the preceding year.

These fluctuations, in the quantity exported, produced fluctuations still more considerable in the prices; so that at one time they pressed heavily on the consumers, whilst at another they occasioned serious losses to the producers. The table of the prices of sulphur in Sicily, which has been quoted against our view of the subject, rather confirms it. They are found to vary from 13 up to 45 carlini * per cantaro.† In what other article, for which there is a constant and regular demand, can such a variation of prices, we would ask, be pointed out? a variation of 350 per cent. in two years! It offered a premium to speculators, who, with a capital of three or four millions of francs, could insure a monopoly, and exact what price they pleased from the consumers, who could not do without the article.

It appears from the table, that 12 frs. 50 cents. per 100 kilogr. has been the average price, and that this price is necessary in order to remunerate the producer. It follows, therefore, that when the price, during the two years alluded to, was so much lower, the proprietors of the sulphur mines must have been considerable losers. This sum of 12 frs. 50 cents per 100 kilogr. or 23 carlino per cantari. is precisely

* A carlino is a small silver coin, current in Naples and Sicily, of the value of about fourpence English.

† Cantar ~~dis~~ ~~ton~~. 175 lb avoir dupois

the price fixed upon to serve as a basis in making the agreement with the French company. As a general principle, the state cannot claim to fix an invariable price upon any given article; but this general principle must be modified by circumstances; and the exceptions are numerous. The legislature regulates the price of corn to protect the poor consumer; and also that of sugar, in order to protect the interests of the colonial grower. The French company cannot be said to have a monopoly of the Sicilian sulphur: they are obliged by their agreement to sell at the maximum price of 43 carlini per cantaro, and to have always on hand a stock of 200,000 cantari, to meet the demands of the market. Of these 43 carlini, 23 go to the producer, and the other 20, which are received and guaranteed by the company, are the amount of the duty on exportation, imposed by the Neapolitan government. So far from this being a monopoly, it totally prevents every thing of the kind; for all rise in sulphur above the price, thus fixed, is impossible, since all the world knows that at this price any quantity may be had in Sicily.

The purchase of 600,000 cantarina of sulphur, which the company engage shall be made, so far from being a privilege, is a part of their contract, which they would willingly see executed by the trade generally. This, perhaps, is not probable, because an article at a fixed price does not offer much temptation to the speculating merchant. But the company, at the same time that they engage to take all the sulphur of Sicily, engage also to sell it at the price fixed upon, as a remunerating price to the producer; their only advantage is a commission on the export duty, which they undertake to receive. The result is, that the parties most interested derive the benefit which was formerly confined to a few speculators. The revenues of Sicily are increased by the amount of the duty, the proprietors have a just remuneration for their sulphur, and the consumers know that they can purchase at a fair and steady price.

The rise in the price of sulphur is caused not by a monopoly, but by the duty now imposed upon its exportation. The consumers may choose to consider it as an exorbitant tax upon an article which they must have; but still the King of Naples is only exercising a right which belongs to all governments; and we understand that the 400,000 ducats, which this duty annually produces, have enabled him to abolish the tax upon grinding corn, which was very unpopular among his subjects. Thus the foreign merchant, who takes the sulphur, contributes that portion of the revenue which formerly bore so hard upon the poorer

classes, and the change is very pleasing to the Sicilians. So far from being an act of despotism, it is the measure of a paternal monarch, equally just in its principle, and in the manner in which it has been carried into effect.

If, as it has been asserted, the King of Naples should have so little respect for a solemn contract that bears his signature, as to be desirous of representing that the English protest does not leave him a free agent, and that consequently he is relieved from any claim for the indemnity which he engaged to pay in case of annulling the contract; in this case, the capitalist, whose interests are involved to the amount of more than six millions, would have a right to call for the prompt and effectual interference of the government; and those of our countrymen, who argue against what they call a monopoly, would regret having done anything to injure a French mercantile company, which would be suffering injury from a violation of the plainest rules of morals and common probity.—*Inventor's Advocate.*

(D)

Mr. Cargill, of Newcastle-upon-Tyne, has published a long letter to shew that whilst the sulphur monopoly is no infraction of the treaty of 1816, that article 7th of the treaty, which stipulates that the King of Naples should make a reduction of 10 per cent. upon all British articles, liable to duty by the tariff in existence previous to the 1st of January preceding the date of the treaty, had been violated, in consequence of some articles of British produce being now charged 100 per cent. of duty on importation into Naples and Sicily, proceeds obviously upon fallacious assumptions; for he does not shew what were the amounts of duties exacted upon these articles previous to January, 1816, or whether they were subject then to duties at all. It is obvious, in the latter case, that the treaty in no way applied to them. Great clamour has been raised against the attempt to construe the treaty of 1816 upon legal or technical grounds, and not upon what has been termed a mere "common-sense" view of the subject. Now, it may surely be assumed that any attempt to confute such a line of argument would be a mere waste of time. Were it for a moment to be admitted as valid or relevant, well might it be asked, of what use was this treaty or any other treaty, or any legal enactment whatever.

[Mr. Cargill is one of that class of reasoners who can see only one side

of an argument. He growls because the Sicilian government does not abolish the duties on both exports and imports. The most certain mode in which to secure the abolition of the duties on imports is to permit the duties on the exportation of sulphur, and *vice versa*.]

(E)

The events which attended the intrigues of the English authorities in Sicily in 1812 and 1813, recur at the present moment not unnaturally to the recollection of many persons. The revolution which procured the abdication of Ferdinand the 4th, and the expulsion from her dominions of Caroline of Austria, the wife of that monarch, were the result of the successful attempts to sow discord amongst the members of the royal family of Naples, with the view of establishing a foreign dictatorship in the Neapolitan dominions. The plan was to a certain extent successful, through the fact of the British government of the day being imposed upon by the forgeries of the Abbate Sentini, the private secretary of the Queen, who placed in the hands of Lord William Bentinck a series of forged letters, which he alleged to have been addressed by Her Majesty to Buonaparte and his agents. The solemn asseverations of Her Majesty as to her entire innocence were disregarded, and she was forcibly and ignominiously expelled the Sicilian states and conducted to Austria, where she soon after died. This treatment of the sister of Marie Antoinette, as the reward for her sacrifices in maintaining the alliance between Naples and Britain, incident to which she and her family had been twice exiled from their capital, could not fail to produce, at the time of its occurrence, a powerful sensation in Europe; the more particularly as it was immediately followed by the recognition, by the English authorities in Sicily, of the sovereignty of Murat in Naples, and the temporary dismemberment of Sicily and Naples. Latini, who afterwards became a noted Carbonaro, died in exile at Leghorn in 1819. It is not supposed that the home government of Britain was cognisant of Latini (whom it however pensioned) having forged the documents to which allusion has been made; but there is great difficulty in putting the same charitable construction on the conduct of the British resident authorities in Sicily at the time of the transaction.* Be this as it may, however, had it not

* If these also were imposed upon by the forgeries of Latini, alas! we exclaim, for British diplomacy.

been for the interference of Prince Talleyrand, there are few persons, at all acquainted with the affairs of Sicily and Naples, who are not convinced that Murat and his family would have continued to reign in Naples, whilst Sicily would have remained an English dependency, on the same footing as Malta or the Ionian Islands. It is the recollection of these facts which ought to impress upon the government of Sicily, and the other powers of Europe, the suspicion that the contemptible cause of dispute at the present moment put forward by Great Britain is but a cloak to ulterior designs of a very different character. Allusion has been made in some European prints to the probability of Austria effecting a permanent settlement in Sicily. It would not seem calculated to weigh materially with the King of Naples whether this were to happen or not, provided the occurrence secured him against the recurrence of such unheard-of and flagitious interference as he has been subjected to in the case of the sulphur question; and, as there would be but small chance of an Austrian garrison fostering in his dominions (merely in a consistent point of view) the principles of Chartism, Socialism or Carbonarism, it may not be difficult to imagine that he should be greatly inclined to prefer such an alliance to some of those to which Sicily has unfortunately formerly been subjected. Is it intended to conclude the sulphur farce or drama by the establishment of a Sicilian Schah Soojah at Palermo? In this, as in every case where bullying is had recourse to, and threats of burking held out, the safest plan will be found to be that of "grasping the nettle." If the King of Naples yields in the sulphur question, upon analogical grounds of reasoning, he may expect the next demand made upon him to be for the surrender of his purse or his watch.

in name the Treaty 1816

(F)

PUBLISHED ORIGINALLY IN THE MINING JOURNAL, AUGUST 18, 1838.

To the Editor of the Mining Journal.

Sir,—As I have not yet observed in your pages any allusion to a subject connected with a department of mining which is probably not without interest to many of your readers, you will perhaps forgive my directing your attention to the same. I allude to the sulphur contract, recently

entered into by the Neapolitan government with the house of Taix, Aycard & Co. of Marseilles, of which the principal conditions are the following :—

1. The capital paid up by the company is to be 1,200,000 ducats, or about £211,000 sterling, to which the Neapolitan government contributes in addition 600,000 ducats, or about £105,000.

2. The annual production of sulphur in Sicily is to be reduced by one-third, and limited to 600,000 cantari. The company is to be obliged to purchase the whole or any part of these 600,000 cantari, from such of the proprietors as may be disposed to sell, or at the rate of 21 tarins for the third quality, 23 for the second, and 25 for the first; and to indemnify the proprietors besides in the sum of four tarins per cantari upon the 300,000, by which the production is to be diminished—the annual production of sulphur in Sicily being about 900,000 cantari.

4. A duty of two ducats per cantari is to be paid on export of the sulphur. The collection and produce of this duty are adjudged to the company; one-third of the amount to be paid into the public treasury.

5. The funds arising from this third are to be employed in the construction of roads in Sicily, and for the abolition of the tax on grinding.

6. The company is restricted from selling at prices beyond 40 tarins for the third, 43 for the second, and 45 for the first descriptions of sulphur.

In so far as the conduct of the Neapolitan government is at variance with the principles propounded, and acted upon, by the advocates of unrestricted freedom of commerce, it must at once be admitted, that it is in this instance deserving of reprehension; but such doctrines have not as yet made much progress in Naples, and as the interests of the sulphur proprietors have obviously been kept in view by the government, and the duty to be levied upon the exportation of the sulphur being destined by Article 5th, for purposes not merely of public utility, but of absolute philanthropy, I have little doubt but that these new regulations for the sulphur trade of Sicily will be far from being unpopular in the dominions of his Neapolitan majesty. I perceive that a portion of the press in this country characterises them as absurd, and worthy of the barbarous ages; but this is surely substituting the language of passion for that of reasonable argument. The Times ridicules the idea of persons having continued eager to engage in working the Sicilian sulphur mines, to an

extent which naturally reduced the selling price of the article to a scale by which the proprietors were beggared, to the great damage of Sicily. Strange as such a mania may appear, it is no less true, and is susceptible of very easy proof; but is it more extraordinary that persons should have persisted in ruining themselves in speculations in sulphur, than that they should have at different times ruined themselves by much more preposterous bubbles, such as the Missisippi scheme of Law, and our own South Sea scheme? For the restoration of the public health, in both these cases, the governments of France and England interfered with sanitory enactments; and, in the case of the sulphur miners, the Neapolitan government has only adopted a similar course. Indeed, I would ask, if the interference of the legislature be not only in Britain admitted as justifiable, but appealed to as imperative, in order to prevent the misapplication of capital? For instance, in the case of every canal and railway bill that is passed, does not Parliament insist on proofs of the proprieters and public being remunerated, before the undertaking is sanctioned? and at this moment do not the proceedings of the Irish railway commission strikingly illustrate this view of the subject? The circumstance of the interference resting with the legislative branch of our government, whilst in Naples the executive department is the channel, can only be regarded as a variety in point of form; and even in Britain it does not invariably rest with Parliament to act in such cases, as the well known instance of the "Orders in Council," in the matter of the barilla duties, demonstrates. That some individual mercantile houses, in France and Britain, may look upon the new arrangement as objectionable, may probably be the case; but, as sulphur must still, under the new regulations, continue an article of very low price in the market, and, as in the shape of sulphuric acid, in which it is employed by our calico-printers, bleachers, dyers, and other chemical operatives, it must still continue low priced, and, although extensively used as an agent in such manipulations, from the extreme minuteness and variety of the state of chemical division in which it is in such instances employed, it can never, from any advance in price of the raw material, at all of probable contemplation, bear even a sensible proportion in the price of the articles in the fabrication of which it is requisite, I cannot contemplate that the interests of our manufacturers in general are to be materially affected by this contract, the more particularly, as by the Article 6th, a maximum price for the selling of sulphur is imposed upon the company. Under

such circumstances, I maintain that the government of Naples has, in the present instance, exercised no more than a sound and legitimate discretion in interfering for the protection of its Sicilian subjects, and I cannot conceive a more odious and objectionable proceeding than would be that of the powerful government of England in a matter such as this, appertaining exclusively to the fiscal regulations of a weaker neighbour.